

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GABINO GENAO,

Plaintiff,

v.

CITY OF NEW YORK, CAPTAIN LOPEZ, CO  
POTTER, NIC WARDEN COLLINS, CO  
JOHN DOE, CO JOHN DOE, NIC CAPTAIN  
MCLAIN,

Defendants.

**ORDER**

20 Civ. 8731 (ER)

**RAMOS, D.J.**

On October 15, 2020, Gabino Genao brought this action, *pro se*, pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights during an incident on Rikers Island. Doc. 1. On January 24, 2021, Plaintiff requested to subpoena camera footage from the incident. Doc. 24. On January 25, the Clerk mailed Plaintiff a subpoena form.

On March 2, Plaintiff requested the Court's assistance with the fees associated with filing and serving Rule 45 subpoenas to third parties based on his *in forma pauperis* ("IFP") status. Doc. 30. However, "while 28 U.S.C. § 1915(d) mandates officers of the court to issue and serve all process in cases where the plaintiff is proceeding in forma pauperis, there is no mandate to pay discovery costs." No. 3:19-CV-243 (HTW) (LRA), 2020 WL 3620426, at \*1 (S.D. Miss. July 2, 2020) (collecting cases from across the country). Accordingly, Plaintiff's request for assistance with the fees associated with filing and serving Rule 45 subpoenas is denied.

The Clerk is respectfully directed to terminate the motion, Doc. 30, and make a copy of this Order to Plaintiff:

Gabino Genao, NYSID No. 04570951M, B&C No. 1131700734, Manhattan Detention Center, 125 White Street, New York, New York 10013.

It is SO ORDERED.

Dated: March 3, 2021  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.